

1 John Hsu  
2 P. O. Box 1255  
3 Berkeley, CA 94701  
4 H: (510) 841-5992

5 Plaintiff in pro per

6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 JOHN HSU,  
12 Plaintiff,  
13 v.  
14 CALIFORNIA DEPARTMENT OF  
15 TOXIC SUBSTANCES CONTROL,  
16 and  
17 JEFFREY WONG in his personal  
18 capacity,  
19 Defendants.  
20

CASE NO: C 08-02586 MHP

**PLAINTIFF'S REQUEST FOR  
LEAVE TO APPEND CALIFORNIA  
GOVERNMENT PROGRAM'S  
11/19/09 "RIGHT-TO-SUE" LETTER  
TO PLAINTIFF'S EMPLOYMENT  
DISCRIMINATION COMPLAINT;  
[PROPOSED] ORDER.**

Hearing date:  
Hearing time:  
Courtroom 15: 18<sup>th</sup> Floor  
450 Golden Gate Ave.  
San Francisco, CA 94102

Judge: The Honorable  
Marilyn Hall Patel

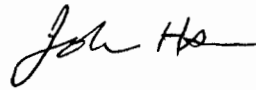
21  
22 TO THE COURT, DEFENDANTS, AND THEIR COUNSEL OF RECORDS:

23 The instant action includes a claim for Defendant California Department of Toxic  
24 Substances Control ("DTSC")'s ongoing and continuing breach of a Settlement Agreement  
25 reached on 8/25/03 in this Court. As the Settlement Agreement was fully incorporated into this  
26 Court's 9/22/03 Order, this Court has ancillary jurisdiction to enforce the 9/22/03 Order.  
27 *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381 [126 L.Ed.2d 391, 397, 114  
28 S.Ct. 1673, 1677] (1994). DTSC has asserted, however, that Plaintiff is required to first

1 present the breach claim to the California Victim Compensation & Government Claims Board  
 2 ("Board") (Cal. Gov. Code, § 945.4). Accordingly, Plaintiff presented the claim, and obtained  
 3 the Board's "Right to Sue" letter, dated 11/19/09, copy attached. Although Plaintiff does not  
 4 believe that his case requires claim presentation, in order to minimize possible complications in  
 5 the future, Plaintiff respectfully requests the Court for leave to append the 11/19/09 "Right to  
 6 Sue" letter to Plaintiff's 5/22/08 Employment Discrimination Complaint.

7 Dated: November 30, 2009

Respectfully submitted,

8  
 9 

10 JOHN HSU, Plaintiff in pro per  
 11

12  
 13 ~~PROPOSED~~ ORDER  
 14

15 GOOD CAUSE APPEARING,

16 Plaintiff's request for leave to append is GRANTED.

17 The California Victim Compensation and Government Claims Program's 11/19/09  
 18 "Right to Sue" letter is DEEMED APPENDED to Plaintiff's 5/22/08 Employment  
 19 Discrimination Complaint.  
 20

21 IT IS SO ORDERED.

22 Dated: 12/3/2009  
 23





STATE OF CALIFORNIA  
ARNOLD SCHWARZENEGGER, Governor

GOVERNMENT CLAIMS PROGRAM  
400 R Street, 5<sup>th</sup> Floor ♦ Sacramento, California 95811  
Mailing Address: P.O. Box 3035 ♦ Sacramento, California 95812  
Toll Free Telephone Number 1-800-955-0045 ♦ Fax Number: (916) 491-6443  
Internet: [www.vcgcb.ca.gov](http://www.vcgcb.ca.gov)

FRED AGUIAR  
Secretary  
State and Consumer Services Agency  
Chairperson  
JOHN CHIANG  
State Controller  
Board Member  
MICHAEL A. RAMOS  
San Bernardino County District Attorney  
Board Member  
JULIE NAUMAN  
Executive Officer

John Hsu  
PO Box 1255  
Berkeley, CA 94701

November 19, 2009

RE: Claim G586053 for John Hsu

Dear John Hsu,

The Victim Compensation and Government Claims Board rejected your claim at its hearing on November 12, 2009.

If you have questions about this matter, please mention letter reference 118 and claim number G586053 when you call or write your claim technician or analyst at (800) 955-0045.

Sincerely,

Jacqueline B. Tinetti, Program Manager  
Government Claims Program  
Victim Compensation and Government Claims Board

cc: T-1 Toxic Substances Control, Attn: Elizabeth Yelland, Chief Counsel

**Warning**

"Subject to certain exceptions, you have only six months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim." See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately".

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It is not necessary or proper to include the Victims Compensation and Government Claims Board (Board) in your court action unless the Board was identified as a defendant in your original claim. Please consult Government Code section 955.4 regarding proper service of the summons.

Ltr 118 Board Claim Rejection